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PPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,860 04/02/2001		04/02/2001	Stein A. Lundby	QCPA793C1	1089
23696	7590	11/10/2003		EXAMINER	
Qualcomm	Incorpor	rated	TRINH, SONNY		
Patents Dep 5775 Morel		· p	ART UNIT	PAPER NUMBER	
San Diego, CA 92121-1714				2685	
				DATE MAILED: 11/10/2003	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Compared Application No. Applicant(s) Compared Application No. Compared Application No. Compared Compared									
Office Action Summary		Application No.	Applicant(s)						
Sonny TRINH 2885 Period for Reply A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified store is the situation period will expend will work 95 Kilo (MONTHS from the maining date of this communication. If the period for reply specified store, the maximum statutory period will expend will work 95 Kilo (MONTHS from the maining date of this communication. If the period for reply specified store, the maximum statutory period will expend will expend will work 95 Kilo (MONTHS from the maining date of this communication. If the period for reply specified store, the maximum statutory period will expend will expend will work 95 Kilo (MONTHS from the maining date of this communication. If the period for reply specified store, the maining date of the communication, even if timely filed, may reduce any standard problem of the statutory of the statu		09/824,860	LUNDBY ET AL.						
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Art Unit: 2685

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-11 and 21-23, drawn to method and apparatus for forming a stream of power control commands for controlling transmit power levels, classified in class 455, subclass 522.
 - II. Claims 12-17, drawn to method and apparatus for interleaving streams of power control commands to different base stations, classified in class 370, subclass 318.
 - III. Claims 18-20, drawn to method and apparatus for forming a plurality of power control commands based on a first data communication from each base station in a first active set of base stations and from each base station in a second active set of base stations, classified in class 455, subclass 69.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

In the instant case, the different inventions perform different functions. Claims of Group I performs the step of forming a first stream of power control commands for controlling transmit power levels of a plurality of different data streams. In contrast,

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Claims of Group II performs the steps of interleaving the streams of power control commands to the first and second base stations for controlling transmit power levels of a plurality of different data streams. Thus, it can be seen that claims of Groups I and II are unrelated because they perform different functions, and therefore distinct from each other.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

In the instant case, the different inventions perform different functions. Claims of Group I performs the step of forming a first stream of power control commands for controlling transmit power levels of a plurality of different data streams. In contrast, Claims of Group III performs the steps of forming a first stream of power control commands based of a first data communication from each base station in a first active set of base stations and from each base station in a second active set of base stations and forming a second stream of power control commands based on the first data communication from each uncommon base station in the first and second sets of active base stations. Thus, it can be seen that claims of Groups I and III are unrelated because they perform different function, and therefore distinct from each other.

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I. Because these inventions are distinct for the reasons given above and have

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acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

II. Because these inventions are distinct for the reasons given above and the

search required for Group III is not required for Group I or Group II, and because the

search required for claim I is not required for Group II, restriction for examination

purposes as indicated is proper.

III. Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art because of their recognized divergent subject

matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

CONCLUSION

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry, for

informal or draft communications, please label "PROPOSED" or

"DRAFT")

Art Unit: 2685

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, 6th Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sonny TRINH whose telephone number is 703-305-

1961. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ed URBAN can be reached on 703-305-4385. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-306-

0377.

Sonny Trinh

Patent Examiner 11/3/03

SONNYTRINH 5.7.
PATENT EXAMINER

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